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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/720,394	11/25/2003	Sung Gi Hwang	K-0568	4267

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EXAMINER

RINEHART, KENNETH

ART UNIT	PAPER NUMBER
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3749

DATE MAILED: 01/28/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Applicati n No.

10/720,394

Applicant(s)

HWANG, SUNG GI

Examiner

Kenneth B Rinehart

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 09 December 2004.
- 2a) ☒ This action is FINAL. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-35 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1,2,5-11,14-30 and 32 is/are rejected.
- 7) ☒ Claim(s) 3,4,12,13,31 and 33-35 is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 25 November 2003 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____

DETAILED ACTION***Response to Arguments***

Applicant's arguments filed 12/9/04 have been fully considered but they are not persuasive. Applicant states "the concave leg portions of White are not equivalent to the holders that are separate from the springs, and there is no suggestion in the reference nor the knowledge or skill of one of ordinary skill in the art to have a pair of holders provided to confront each other and a separate pair of springs provided in the rear of the holders". The examiner disagrees. Claims in a pending application should be given their broadest reasonable interpretation. The examiner does not believe it is unreasonable for the two holders represented by the resilient means 20 at the restriction 25 to read on the claim language. Regarding a pair of springs, this limitation was rejected using design choice as White utilized one spring and the applicant utilized two springs. The applicant continues by stating, among other things, that there is no suggestion in White to have a pair of holders and a separate pair of springs provided in a rear of the holders and it would be against Whites teachings to modify a unitary U-shaped leaf spring to create the structures recited in claim 1. The examiner once again asserts that the reference was rejected under a design choice rejection where the single spring of White provides the resistance force, equally well as the pair of springs of the applicant. The applicant's disclosure does not address how a pair of springs provides an advantage, is used for a particular purpose or solves a stated problem. One of ordinary skill in the art, furthermore, would have expected. Regarding the arguments concerning Kesling, the claims were rejected using design choice and the response given above would be equally appropriate to the applicant's arguments as well. In response to applicant's argument that the examiner's conclusion of obviousness is based upon improper

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hindsight reasoning, it must be recognized that any judgment on obviousness is in a sense necessarily a reconstruction based upon hindsight reasoning. But so long as it takes into account only knowledge which was within the level of ordinary skill at the time the claimed invention was made, and does not include knowledge gleaned only from the applicant's disclosure, such a reconstruction is proper. In this case, it is known to use springs in a door latch mechanism and whether one or two springs are used would be a matter of design choice.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 1, 2, 5-11, 14-25, 27 are rejected under 35 U.S.C. 103(a) as being unpatentable over White et al. White et al. discloses a housing (fig. 1); a drum rotatably installed in the housing (fig. 1), a heating apparatus for supplying hot air to the drum (fig. 1); a door opening/closing an entrance formed at the housing for putting a laundry in the drum (fig. 1); and an apparatus for opening/closing the door, comprising; a hook provided at one side of the door of the dryer (26, fig. 1), the hook having a hanging portion formed at one end to have an incline surface (26, fig. 1); a latch body provided to or on the housing in the vicinity of the entrance wherein the hanging portion is inserted into the latch body (18, fig. 1); a pair of holders provided to confront each other in the latch body to hold the hanging portion (25, 20, fig. 3); a hanging protrusion is formed on one side of each of the holders (25, fig. 2) to be held by an upper end of the (fig. 2), the hanging portion has a triangular cross-section (fig. 3), confronting planes of the

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holders are inclined to correspond to the triangular cross-section of the hanging portion (fig. 3), a surface of the hanging portion to be brought contact with the holders is rounded (fig. 5), two confronting tips of the holders are rounded (fig. 5), a hollow portion is provided at a rear side of each of the holders to have one end of the corresponding spring inserted therein (at a rear side of the holders there is a hollow area and a side of the leaf spring rests in this area, fig. 5), the hook is built in one body of ...-coupled to one side of the door (17, fig. 2), coupling holes are formed at both sides of the latch body and wherein bolts are screwed in the coupling holes, respectively to fix the latch body to the front panel (19, 22, fig. 2), an insertion hole is formed in the latch body so that the hanging portion is inserted in the insertion hole (fig. 2), the incline surface guides insertion and separation of the hanging portion, (fig. 2, The surface is presently capable of performing this function.), wherein the incline surface is provided to open a gap between the holders (fig. 2, The surface is presently capable of performing this function.), the incline surface is provided to push the holders backward (fig. 2, The surface is presently capable of performing this function.), the incline surface comprises a first incline surface opening a space between the holders to guide an insertion of the hanging portion therein (fig. 2, The surface is presently capable of performing this function.), the incline surface comprises a first incline surface that is formed at a front side of the hanging portion.(fig. 2), the incline surface comprises a second incline surface opening a space between the holders to guide a retreat of the hanging portion (fig. 2, The surface is presently capable of performing this function.), the second incline surface is formed at a rear side of the hanging portion (fig. 2), an incline angle of the first incline surface is smaller than that of the second incline surface (fig. 5), an apparatus for latching the door (fig. 3). White et al discloses applicant's invention substantially as claimed with the exception of and a

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pair of springs provided in rear of the holders, respectively, a first reception part receiving the hanging portion; and a pair of second reception parts provided adjacent to both sides of the first reception part to hold to guide the holders, respectively, a first reception, a latch cap covering the first and second reception parts to prevent separation of the holders and the springs, coupling holes are formed at corners of the latch cap and wherein bolts are screwed in the coupling holes, respectively to fix the latch cap to the latch body, a fixing plate screw, the insertion hole comprises an incline surface inclining inward to guide the hanging portion. At the time the invention was made it would have been an obvious matter of design choice to a person of ordinary skill in the art to have and a pair of springs provided in rear of the holders, a first reception part receiving the hanging portion; and a pair of second reception parts provided adjacent to both sides of the first reception part to hold to guide the holders, respectively, a first reception part, a latch cap covering the first and second reception parts to prevent separation of the holders and the springs, coupling holes are formed at corners of the latch cap and wherein bolts are screwed in the coupling holes, respectively to fix the latch cap to the latch body since it has been held that constructing a formerly integral structure in various elements involves only routine skill in the art. One of ordinary skill in the art, furthermore, would have expected Applicant's invention to perform equally well with either the leaf spring of White et al or the claimed two springs because both perform the same function of providing a resistance force equally well. One of ordinary skill in the art, furthermore, would have expected Applicant's invention to perform equally well with either the box enclosing the leaf spring (fig. 4) of White et al or the claimed reception parts and latch cap because both perform the same function of providing support equally well. At the time the invention was made it would have been an

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obvious matter of design choice to a person of ordinary skill in the art to have a fixing plate screw because applicant has not disclosed that the material provides an advantage, is used for a particular purpose or solves a stated problem. One of ordinary skill in the art, furthermore, would have expected Applicant's invention to perform equally well with either the material of White or the claimed material because both materials perform the same function of providing a hook equally well. At the time the invention was made it would have been an obvious matter of design choice to a person of ordinary skill in the art to have the insertion hole comprises an incline surface inclining inward to guide the hanging portion because applicant has not disclosed that the shape of the surface provides an advantage, is used for a particular purpose or solves a stated problem. One of ordinary skill in the art, furthermore, would have expected Applicant's invention to perform equally well with either the stepped shape of White or the claimed shape because both shapes perform the same function of guiding equally well.

Claims 1, 24, and 26 are rejected under 35 U.S.C. 103(a) as being unpatentable over Kesling. Kesling discloses a housing (fig. 1); a drum rotatably installed in the housing (fig. 1), a heating apparatus for supplying hot air to the drum (fig. 1); a door opening/closing an entrance formed at the housing for putting a laundry in the drum (fig. 1); and an apparatus for opening/closing the door, comprising; a hook provided at one side of the door of the dryer (34, fig. 3), the hook having a hanging portion formed at one end to have an incline surface (34, fig. 3); a latch body provided to the housing in the vicinity of the entrance wherein the hanging portion is inserted the latch body (fig. 3); a pair of holders provided to confront each other in the latch body to hold the hanging portion (60, 52, fig. 3), the incline surface comprises a second incline surface opening a space between the holders to guide a retreat of the hanging portion (fig.

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3), the incline surface further comprises an intermediate portion between the first and second incline surfaces to maintain a hanging state of the hanging portion (fig. 3), the incline surface comprises a first incline surface opening a space between the holders to guide an insertion of the hanging portion therein (fig. 3), the incline surface comprises a first incline surface that is formed at a front side of the hanging portion (fig. 3). Kesling discloses applicant's invention substantially as claimed with the exception of and a pair of springs provided in rear of the holders, respectively. At the time the invention was made it would have been an obvious matter of design choice to a person of ordinary skill in the art to have and a pair of springs provided in rear of the holders. One of ordinary skill in the art, furthermore, would have expected Applicant's invention to perform equally well with either the leaf spring of Kesling or the claimed two springs because both perform the same function of providing a resistance force equally well.

Claim 28 is rejected under 35 U.S.C. 103(a) as being unpatentable over White et al as applied to claim 1 above, and further in view of Padovani. White discloses applicant's invention substantially as claimed with the exception of at least one rib is provided to the hook to reinforce strength thereof. Padovani teaches at least one rib is provided to the hook to reinforce strength thereof (13, fig. 5) for the purpose of increasing the resistance of the hook. It would have been obvious to one of ordinary skill in the art to modify White et al by including at least one rib is provided to the hook to reinforce strength thereof as taught by Padovani for the purpose of increasing the resistance of the hook so that the hook will not break and thus money will be saved as the apparatus will require less maintenance.

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Claims 29-30, 32 are rejected under 35 U.S.C. 103(a) as being unpatentable over White et al in view of Onderka et al (5062668). White et al discloses a housing (fig. 1); a drum rotatably installed in the housing (fig. 1), a heating apparatus for supplying hot air to the drum (fig. 1); a door opening/closing an entrance formed at the housing for putting a laundry in the drum (fig. 1); and an apparatus for opening/closing the door, comprising; a hook provided at one side of the door of the dryer (26, fig. 1), the hook having a hanging portion formed at one end to have an incline surface (26, fig. 1); a latch body provided to or on the housing in the vicinity of the entrance wherein the hanging portion is inserted into the latch body (18, fig. 1), an apparatus for latching the door (fig. 3). White discloses applicant's invention substantially as claimed with the exception of a pair of slidable holders provided to confront each other in the latch body and being guided to hold the hanging portion; and a pair of springs provided at least partially inside the holders, respectively, a first reception part receiving the hanging portion; and a pair of second reception parts provided at sides of the first reception part to hold and guide the holders, respectively, a latch cap covering the first and second reception parts to prevent separation of the holders and the springs. Onderka et al teaches a pair of slidable holders provided to confront each other in the latch body and being guided to hold the hanging portion (116, 124, fig. 15); and a pair of springs provided at least partially inside the holders, respectively (123, fig. 15), a first reception part receiving the hanging portion (92, fig. 15); and a pair of second reception parts provided at sides of the first reception part to hold and guide the holders, respectively (119, fig. 15), a latch cap covering the first and second reception parts to prevent separation of the holders and the springs (2, fig. 15) for the purpose of reliably holding the door in the locked position. It would have been obvious to one of ordinary skill in the art to modify White et al by including a

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pair of slidable holders provided to confront each other in the latch body and being guided to hold the hanging portion; and a pair of springs provided at least partially inside the holders, respectively, a first reception part receiving the hanging portion; and a pair of second reception parts provided at sides of the first reception part to hold and guide the holders, respectively, a latch cap covering the first and second reception parts to prevent separation of the holders and the springs as taught by Onderka et al for the purpose of reliably holding the door in the locked position to ensure that the appliance operates in a non dangerous operating state.

Allowable Subject Matter

Claims 3, 4, 12, 13, 31, 33-35 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

Conclusion

Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event,

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however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Kenneth B Rinehart whose telephone number is 571-272-4881. The examiner can normally be reached on 7:20 -4:20.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Ira Lazarus can be reached on 571-272-4881. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

KBR


KENNETH RINEHART
PRIMARY EXAMINER